

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KIM CARRUTH,

Civil Action No. 2:18-cv-02061-CDJ

Plaintiff,

v.

STATE OF PENNSYLVANIA, et al.

Defendants.

[Proposed] ORDER

AND NOW, this ____ day of _____, 2018, upon consideration of Defendants, Bank of America, N.A. and Rudolf Bless¹, Motion for More Definite Statement Pursuant to Fed. R. Civ. P. 12(e) and any response thereto, it is hereby **ORDERED** that the Motion is **GRANTED** and Plaintiff is directed to file an Amended Complaint that:

1. Sets forth Plaintiff's claims in short, concise, and plain statements in sequentially numbered paragraphs;
2. Organizes legal claims into appropriate counts;
3. Limits claims in a paragraph to one related allegation or occurrence;
4. Limits counts to one related cause of action;
5. Indicates the nature of the relief sought; and
6. States the legal basis for any claim asserted, citing appropriate statutes and authorities.

SO ORDERED:

J.

¹ Improperly named in the Complaint as Blessed Rudolph.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KIM CARRUTH,

Plaintiff,

v.

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Civil Action No. 2:18-cv-02061-CDJ

**JOINDER IN CO-DEFENDANTS PHILADELPHIA COUNTY, JEWELL WILLIAMS
D/B/A SHERIFF-PHILADELPHIA COUNTY AND JAMES LEONARD,
PHILADELPHIA COUNTY RECORDER OF DEEDS' MOTION TO DISMISS AND
JAMES PATTERSON, SR.'S MOTION TO DISMISS AND, IN THE ALTERNATIVE,
MOTION TO FOR A MORE DEFINITE STATEMENT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants, Bank of America, N.A. and Rudolf Bless (collectively “BANA”), join in the motions to dismiss filed by co-defendants, Philadelphia County, Jewell Williams dba Sheriff—Philadelphia County, and James Leonard, Philadelphia County Recorder of Deeds [ECF 19] (“Philadelphia County Defendants”) and James Patterson, Sr. [ECF 21] (“Patterson”). BANA specifically joins the arguments made by the Philadelphia County Defendants on pages 5-9 of their Memorandum of Law in Support at argument sections b and c. (ECF 19). BANA specifically joins the arguments made by Patterson on pages 22-26 at argument sections a and b of Patterson’s Memorandum in Support. (ECF 21). In the alternative, pursuant to Fed. R. Civ. P. 12(e), BANA by and through undersigned counsel, respectfully submits the following Motion for a More Definite Statement and support thereof states:

1. On May 16, 2018, Plaintiff filed the above action. (ECF 2).
2. On July 18, 2018 the summons were returned executed. BANA was served with the Complaint on July 31, 2018.

3. Plaintiff's 51-page Complaint does not contain any numbered paragraphs nor does it allege any claims. (ECF 2).

4. Plaintiff names 10 separate defendants, but does not assert any specific misconduct against any of the defendants. (ECF 2).

5. Plaintiff's Complaint is so vague and ambiguous that BANA is unable to reasonably prepare a response.

6. BANA requests that this Court order Plaintiff to set out her complaint in numbered paragraphs identifying which allegations of misconduct she is making in response to which defendant.

7. BANA requests that this Court order Plaintiff to identify the subject matter of her Complaint in a way that reasonably apprises all defendants as to what her Complaint is based.

8. BANA requests that this Court order Plaintiff to set forth a short and plain statement of her claim showing her entitlement to relief as required by Federal Rule of Civil Procedure 8(a)(2).

9. BANA requests that this Court order Plaintiff to identify the relief sought.

WHEREFORE, for these reasons, and the reasons explained in Defendant BANA's supporting memorandum, BANA respectfully requests that this Court dismiss Plaintiff's Complaint or, in the alternative, order Plaintiff to file a more definite statement of the claims asserted in her Complaint. A proposed order to that effect is attached.

Respectfully submitted,

Dated: September 5, 2018

By: /s/ Kellie A. Lee
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Attorneys for Bank of America, N.A.

CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, I served a true and correct copy of the foregoing pleading that was sent automatically by CM/ECF to the parties of record and via first class mail on the following pro se individual:

Kim Carruth
108 West Godfrey Ave.
Philadelphia, PA 19120

Dated: September 5, 2018

By: /s/ Kellie A. Lee
Kelli A. Lee